

FORM PTO-1449/A and B (modified PTO/SB/08)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

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APPLICATION NO.: 10/690,495	ATTY. DOCKET NO.: C1039.70083US00
FILING DATE: October 21, 2003	CONFIRMATION NO.: 8657
APPLICANT: Krieg et al.	
GROUP ART UNIT: 1645	EXAMINER: Nina Archie

U.S. PATENT DOCUMENTS

Examiner's Initials ^a	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
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		WO	96/40162	A1	East Carolina University	12-19-1996	
		WO	97/03702	A1	Brown University Research Foundation	02-06-1997	
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		WO	2006/015872	A1	Mologen Ag	02-16-2006	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
✓		Press Release, Hybridon, Inc. Hybridon shows immunomodulatory activity of synthetic oligonucleotides. Cambridge, MA. May 7, 2001.	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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APPLICATION NO.: 10/690,495	ATTY. DOCKET NO.: C1039.70083US00
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APPLICANT: Krieg et al.	
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				FILING DATE: October 21, 2003	CONFIRMATION NO.: 8657
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EXAMINER:	/Nina Archie/	DATE CONSIDERED:	03/10/2007
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**INFORMATION DISCLOSURE
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APPLICATION NO.: 10/690,495	ATTY. DOCKET NO.: C1039.70083US00
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FILING DATE: October 21, 2003

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APPLICANT: Krieg et al.

GROUP ART UNIT: 1645

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A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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FILING DATE: October 21, 2003

CONFIRMATION NO.:

APPLICANT: Arthur M. Krieg et al.

GROUP ART UNIT: Not yet assigned

EXAMINER: Not yet assigned

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STATEMENT BY APPLICANT**

APPLICATION NO.: 10/690,495

ATTY. DOCKET NO.: C1039.70083US00

FILING DATE: October 21, 2003

CONFIRMATION NO.:

APPLICANT: Arthur M. Krieg et al.

GROUP ART UNIT: Not yet assigned

EXAMINER: Not yet assigned

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				FILING DATE: October 21, 2003		CONFIRMATION NO.:		
				APPLICANT: Arthur M. Krieg et al.				
				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned		
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				FILING DATE: October 21, 2003		CONFIRMATION NO.:	
				APPLICANT: Arthur M. Krieg et al.			
				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned	
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CONFIRMATION NO.:

APPLICANT: Arthur M. Krieg et al.

GROUP ART UNIT: Not yet assigned

EXAMINER: Not yet assigned

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APPLICANT: Krieg et al.

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		2005-0239732	A1	Krieg et al.	10-27-2005

EXAMINER:

/Nina Archie/

DATE CONSIDERED:

03/10/2007

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/690,495		ATTY. DOCKET NO.: C1039.70083US00	
				FILING DATE: October 21, 2003		CONFIRMATION NO.: 8657	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1645		EXAMINER: Patricia Ann Duffy	
Sheet	4	of	5				

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Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		EP	0 819 758	A2	Mixson	01-21-1998	
		WO	93/25673	A1	The Regents of the University of CA	12-23-1993	
		WO	94/04196	A1	Imperial Cancer Research Technology Limited	03-03-1994	
		WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
		WO	00/06588	A1	University of Iowa Research Foundation	02-10-2000	
		WO	2004/026888	A2	Coley Pharmaceutical GmbH	04-01-2004	
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		WO	2004/094671	A2	Coley Pharmaceutical GmbH	11-04-2004	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		BROIDE et al., Immunostimulatory DNA sequences inhibit IL-5, eosinophilic inflammation, and airway hyperresponsiveness in mice. J Immunol. 1998 Dec 15;161(12):7054-62.	
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		KRIEG et al., CpG DNA induces sustained IL-12 expression in vivo and resistance to Listeria monocytogenes challenge. J Immunol. 1998 Sep 1;161(5):2428-34.	
✓		LITZINGER et al., Fate of cationic liposomes and their complex with oligonucleotide in vivo. Biochim Biophys Acta. 1996 Jun 11;1281(2):139-49.	

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/Nina Archie/	03/10/2007

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Include copy of this form with next communication to Applicant.

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				FILING DATE: October 21, 2003		CONFIRMATION NO.: 8657	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1645		EXAMINER: Patricia Ann Duffy	
Sheet	5	of	5				

/NA/		NORMAN et al., Liposome-mediated, nonviral gene transfer induces a systemic inflammatory response which can exacerbate pre-existing inflammation. Gene Ther. 2000;7:1425-30. Abstract Only.	
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↓		WHITMORE et al., LPD lipopolyplex initiates a potent cytokine response and inhibits tumor growth. Gene Ther. 1999;6:1867-75.	

A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]

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FEB 17 2005

PATENT & TRADEMARK OFFICE
FORM PTO/A and B (Modified)**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/690,495

ATTY. DOCKET NO.: C1039.70083US00

FILING DATE: October 21, 2003

CONFIRMATION NO.: 8657

APPLICANT: Krieg et al.

GROUP ART UNIT: 1645

EXAMINER: Patricia Ann Duffy

Sheet

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of

1

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
/NA/		US 6,693,086	B1	Dow et al.	02-17-2004
↓		US 2004/0247662	A1	Dow et al.	12-09-2004
↓		US 2004/0157791	A1	Dow et al.	08.12.2004
↓		US 2005/0013812	A1	Dow et al.	01.20.2005
↓		US 2003/0022854	A1	Dow et al.	01.30.03

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		Office/ Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

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EXAMINER:

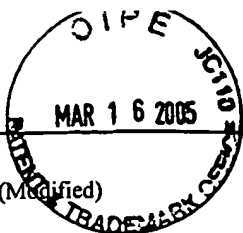
/Nina Archie/

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03/10/2007

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filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).



FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/690,495		ATTY. DOCKET NO.: C1039.70083US00	
				FILING DATE: October 21, 2003		CONFIRMATION NO.: 8657	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1645		EXAMINER: Not Yet Assigned	
Sheet	1	of	1				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
/NA/		6,835,395	B1	Semple et al.	12/28/2004

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

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Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	

EXAMINER:	/Nina Archie/	DATE CONSIDERED:	03/10/2007
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*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

INTERFERENCE INITIAL MEMORANDUM

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties--

PARTY University of Iowa Research Foundation, United States of America, Coley Pharmaceutical Group, Inc.	APPLICATION NO. 10/690,495	FILING DATE October 21, 2003	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? Yes ___ No ___ Not Due yet _____				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/415,142	October 9, 1999		
USA	08/386,063	February 7, 1995	US 6,194,388 B1	February 27, 2001
USA	08/276,358	July 15, 1994		
The claim(s) of this party corresponding to this count: 52-64				
PATENTED OR PATENTABLE PENDING CLAIMS 52-64			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count: 65-77				
PATENTED OR PATENTABLE PENDING CLAIMS 65-77			UNPATENTABLE PENDING CLAIMS	
PARTY National Jewish Medical and Research Center	APPLICATION NO. 09/104,759	FILING DATE June 25, 1998	PATENT NO., IF ANY US 6,693,086 B1	ISSUE DATE, IF ANY February 17, 2004
If the involved case is a patent, have its maintenance fees been paid? Yes ___ No ___ Not Due Yet XX _____				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
NONE				
The claim(s) of this party corresponding to this count: 1-9				
PATENTED OR PATENTABLE PENDING CLAIMS 1-9			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count: 10-18				
PATENTED OR PATENTABLE PENDING CLAIMS 10-18			UNPATENTABLE PENDING CLAIMS	
(Check off each step, if applicable) INSTRUCTIONS				
<input type="checkbox"/> 1. Obtain all files listed above <input type="checkbox"/> 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). <input type="checkbox"/> 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b). <input type="checkbox"/> 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)). <input type="checkbox"/> 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.				
DATE	PRIMARY EXAMINER (signature)		ART UNIT	TELEPHONE NO.

2309.02

MANUAL OF PATENT EXAMINING PROCEDURE

DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)	TELEPHONE NO.
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Page 2 of 2

count 1: the composition of claim 1 of patent no. 6,693,086

or

the composition of claim 52 of application serial no. 10/690,495